



SUBCOMMITTEE ON PUBLIC SAFETY APPROPRIATIONS

Gus Bilirakis, Chair

ACTION PACKET

April 2, 2004

10:15 a.m. – 1:00 p.m.

12 House Office Building

COMMITTEE MEETING REPORT
Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Gus Bilirakis (Chair)			X
Sandra Adams	X		
Gustavo Barreiro	X		
Adam Hasner	X		
Bob Henriquez	X		
Wilbert Holloway	X		
Matthew Meadows	X		
Mitch Needelman	X		
Totals:	7	0	1

COMMITTEE MEETING REPORT
Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

HB 85 : Law Enforcement

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Gustavo Barreiro	X				
Adam Hasner	X				
Bob Henriquez	X				
Wilbert Holloway	X				
Matthew Meadows	X				
Mitch Needelman	X				
Gus Bilirakis (Chair)			X		
Total Yeas: 7 Total Nays: 0					

COMMITTEE MEETING REPORT
Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

HB 87 CS : Sexual Offenders

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Gustavo Barreiro	X				
Adam Hasner	X				
Bob Henriquez	X				
Wilbert Holloway	X				
Matthew Meadows	X				
Mitch Needelman					
Gus Bilirakis (Chair)	X		X		
Total Yeas: 7		Total Nays: 0			

COMMITTEE MEETING REPORT
Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

HB 101 CS : Fire Prevention and Control

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Gustavo Barreiro	X				
Adam Hasner	X				
Bob Henriquez	X				
Wilbert Holloway	X				
Matthew Meadows	X				
Mitch Needelman	X				
Gus Bilirakis (Chair)			X		
Total Yeas: 7		Total Nays: 0			

COMMITTEE MEETING REPORT
Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

HB 123 : Assault or Battery on Officials

☒ *Favorable With Amendments (1)*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Gustavo Barreiro	X				
Adam Hasner	X				
Bob Henriquez	X				
Wilbert Holloway	X				
Matthew Meadows	X				
Mitch Needelman	X				
Gus Bilirakis (Chair)			X		
Total Yeas: 7		Total Nays: 0			

COMMITTEE MEETING REPORT
Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

HB 523 CS : Video Voyeurism

☒ *Favorable With Amendments* (3)

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Gustavo Barreiro	X				
Adam Hasner	X				
Bob Henriquez	X				
Wilbert Holloway	X				
Matthew Meadows	X				
Mitch Needelman	X				
Gus Bilirakis (Chair)			X		
Total Yeas: 7		Total Nays: 0			

COMMITTEE MEETING REPORT
Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

HB 545 CS : Selection of Construction Managers for State Correctional Facilities
Construction Projects

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Gustavo Barreiro	X				
Adam Hasner	X				
Bob Henriquez	X				
Wilbert Holloway	X				
Matthew Meadows	X				
Mitch Needelman	X				
Gus Bilirakis (Chair)			X		
Total Yeas: 7		Total Nays: 0			

COMMITTEE MEETING REPORT
Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

HB 719 : Law Enforcement Officers, Correctional Officers, and Correctional Probation Officers

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Gustavo Barreiro	X				
Adam Hasner	X				
Bob Henriquez	X				
Wilbert Holloway	X				
Matthew Meadows	X				
Mitch Needelman	X				
Gus Bilirakis (Chair)			X		
Total Yeas: 7		Total Nays: 0			

COMMITTEE MEETING REPORT
Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

**HB 761 CS : Possession of Firearms, Electric Weapons or Devices, or Concealed Weapons
by Persons Found to Have Committed Certain Delinquent Acts**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Gustavo Barreiro	X				
Adam Hasner	X				
Bob Henriquez	X				
Wilbert Holloway	X				
Matthew Meadows	X				
Mitch Needelman	X				
Gus Bilirakis (Chair)			X		
Total Yeas: 7		Total Nays: 0			

COMMITTEE MEETING REPORT

Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

HB 1641 CS : Designation and Registration of Sexual Predators and Sexual Offenders

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Gustavo Barreiro	X				
Adam Hasner	X				
Bob Henriquez	X				
Wilbert Holloway	X				
Matthew Meadows	X				
Mitch Needelman	X				
Gus Bilirakis (Chair)			X		
Total Yeas: 7		Total Nays: 0			

COMMITTEE MEETING REPORT
Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

Other Business Appearance:

Mary Coffee, Senior Management Analyst Supervisor (State Employee) - Information Only
Florida Department of Law Enforcement
P. O. Box 1489
Tallahassee FL 32302-1489
Phone: 850-410-8784

COMMITTEE MEETING REPORT
Subcommittee on Public Safety Appropriations

4/2/2004 10:15:00AM or upon adjournment of Full Committee

Location: 12 HOB

Summary:

Subcommittee on Public Safety Appropriations

Friday April 02, 2004 10:15 am

HB 85	Favorable	Yeas: 7	Nays: 0
HB 87 CS	Favorable	Yeas: 7	Nays: 0
HB 101 CS	Favorable	Yeas: 7	Nays: 0
HB 123	Favorable With Amendments	Yeas: 7	Nays: 0
HB 523 CS	Favorable With Amendments	Yeas: 7	Nays: 0
HB 545 CS	Favorable	Yeas: 7	Nays: 0
HB 719	Favorable	Yeas: 7	Nays: 0
HB 761 CS	Favorable	Yeas: 7	Nays: 0
HB 1641 CS	Favorable	Yeas: 7	Nays: 0

HOUSE AMENDMENT FOR COMMITTEE PURPOSES

Amendment No.1 (for drafter's use only)

Bill No. HB 123

COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y) (N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

A

Committee hearing bill: Public Safety Appropriations

Representative Cretul offered the following:

Amendment (with directory and title amendments)

Remove everything after the enacting clause and insert:

Section 1. Section 784.081, Florida Statutes, is amended to read:

784.081 Assault or battery on specified officials or employees; reclassification of offenses.—

(1) For purposes of this section, the term "sports official" means any person who serves as a referee, an umpire, or a linesman and any person who serves in a similar capacity as a sports official who may be known by another title, which sports official is duly registered by or is a member of a local, state, regional, or national organization that is engaged in part in providing education and training to sports officials.

(2) Whenever a person is charged with committing an assault or aggravated assault or a battery or aggravated battery upon any elected official or employee of: a school district; a private school; the Florida School for the Deaf and the Blind; a university developmental research school; a state university or any other entity of the state system of public education, as defined in s. 1000.04; a sports official; an employee or

HOUSE AMENDMENT FOR COMMITTEE PURPOSES

Amendment No.1 (for drafter's use only)

protective investigator of the Department of Children and Family Services; or an employee of a lead community-based provider and its direct service contract providers, when the person committing the offense knows or has reason to know the identity or position or employment of the victim, the offense for which the person is charged shall be reclassified as follows:

(a) ~~(1)~~ In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

(b) ~~(2)~~ In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(c) ~~(3)~~ In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(d) ~~(4)~~ In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(3) An assault, aggravated assault, battery or aggravated battery upon a sports official shall only be reclassified pursuant to subsection (2) if such offense is committed upon the sports official when he or she is actively participating as a sports official in an athletic contest or immediately following such athletic contest.

Section 2. This act shall take effect October 1, 2004.

===== T I T L E A M E N D M E N T =====

Remove the entire title and insert:

An act relating to assault or battery on officials; amending s. 784.081, F.S.; providing enhanced penalties for the offense of assault, battery, aggravated assault, or aggravated battery if the offense is committed upon a sports official; providing an effective date

HOUSE AMENDMENT FOR COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 523 CS

COMMITTEE ACTION

ADOPTED ☒ (Y) (N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☐ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☐ (Y/N)
OTHER ☐

A

Committee hearing bill: Subcommittee on Public Safety
Appropriations
Representative(s) Stargel offered the following:

Amendment (with directory and title amendments)

Remove line(s) 70-104 and insert:

(2) A person commits the offense of video voyeurism if
that person:

(a) For his or her own amusement, entertainment, sexual
arousal, gratification, or profit, or for the purpose of
degrading or abusing another person, intentionally uses or
installs an imaging device to secretly view, broadcast, or
record a person, without that person's knowledge and consent,
who is dressing, undressing, or privately exposing the body, at
a place and time when that person has a reasonable expectation
of privacy;

(b) For the amusement, entertainment, sexual arousal,
gratification, or profit of another, or on behalf of another,
intentionally permits the use or installation of an imaging
device to secretly view, broadcast, or record a person, without
that person's knowledge and consent, who is dressing,
undressing, or privately exposing the body, at a place and time
when that person has a reasonable expectation of privacy; or

HOUSE AMENDMENT FOR COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

24 (c) For the amusement, entertainment, sexual arousal,
25 gratification, or profit of oneself or another, or on behalf of
26 oneself or another, intentionally uses an imaging device to
27 secretly view, broadcast, or record under or through the
28 clothing being worn by another person, without that person's
29 knowledge and consent, for the purpose of viewing the body of,
30 or the undergarments worn by, that person.

31 (3) A person commits the offense of video voyeurism
32 dissemination if that person, knowing or having reason to
33 believe that an image was created in a manner described in this
34 section, intentionally disseminates, distributes, or transfers
35 the image to another person.

36 (4) A person commits the offense of commercial video
37 voyeurism dissemination if that person:

38 (a) Knowing or having reason to believe that an image was
39 created in a manner described in this section, sells the image
40 for consideration to another person; or

41 (b) Having created the image in a manner described in this
42 section, disseminates, distributes, or transfers the image to
43 another person for that person to sell the image to others.

44
45 ===== T I T L E A M E N D M E N T =====

46 Remove line(s) 18-26 and insert:

47 other person's body or undergarments without the knowledge and
48 consent of the person being viewed; prohibiting a person from
49 disseminating images when the person disseminating the images
50 knows that the images were recorded in manner described by
51 section; prohibiting a person from selling images to another for
52 consideration when the person selling the images knows that the
53 images were recorded in manner described by section; prohibiting
54 a person from disseminating images that were recorded in manner
55 described by section to another person for that

HOUSE AMENDMENT FOR COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 523 CS

COMMITTEE ACTION

ADOPTED ✓ (Y/N)
ADOPTED AS AMENDED — (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

A

1 **Committee hearing bill:** Subcommittee on Public Safety

2 Appropriations

3 Representative(s) Stargel offered the following:

4
5 **Amendment (with directory and title amendments)**

6 Remove line(s) 225 and insert:

7 810.145, when the image and the medium on which it is recorded
8 is no longer needed for an official purpose. The agency may not
9 sell or retain any image.

HOUSE AMENDMENT FOR COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. 523 CS

COMMITTEE ACTION

ADOPTED	<u>✓</u> (Y/N)
ADOPTED AS AMENDED	— (Y/N)
ADOPTED W/O OBJECTION	— (Y/N)
FAILED TO ADOPT	— (Y/N)
WITHDRAWN	— (Y/N)
OTHER	—

A

Committee hearing bill: Subcommittee on Public Safety

Appropriations

Representative(s) Stargel offered the following:

Amendment (with directory and title amendments)

Remove line(s) 137-156 and insert:

Section 2. Section 877.26, Florida Statutes, is amended to read:

877.26 Direct observation, videotaping, or visual surveillance of customers in merchant's dressing room, etc., prohibited; penalties.--

(1) It is unlawful for any merchant to directly observe or make use of video cameras or other visual surveillance devices to observe or record customers in the merchant's dressing room, fitting room, changing room, or restroom when such room provides a reasonable expectation of privacy. However, a merchant may directly observe a customer from outside such room if the observation is within the scope of the merchant's duties and the observation does not otherwise violate s. 810.14 or s. 810.145 or if the customer invites or consents to the presence of the merchant in the room.

(2) As used in this subsection, the term "merchant" means an owner or operator, or the agent, consignee, employee, lessee,

HOUSE AMENDMENT FOR COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

24 or officer of an owner or operator, of any premises or apparatus
25 used for retail purchase or sale of any merchandise.

26 (3)(2) Any merchant who violates subsection (1) commits is
27 ~~guilty of~~ a misdemeanor of the first degree, punishable as
28 provided in s. 775.082 or s. 775.083.

29
30 ===== T I T L E A M E N D M E N T =====

31 Remove line(s) 30-32 and insert:

32 amending s. 877.26, F.S.; providing a limited exception to
33 a prohibition against a merchant observing customers in
34 dressing, fitting, changing or restrooms;
35